

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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:  
UNITED STATES OF AMERICA,  
:  
Plaintiff,  
:  
-and-  
:  
THE VULCAN SOCIETY, INC., for itself and on behalf of  
its members, and MARCUS HAYWOOD, CANDIDO  
:  
NUÑEZ and ROGER GREGG, individually and on behalf  
of a class of all others similarly situated,  
:  
Plaintiffs-Intervenors,  
:  
-against-  
:  
THE CITY OF NEW YORK,  
:  
Defendant.  
:  
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**SPECIAL MASTER'S  
ORDER NO. 7**

**07-cv-2067 (NGG)(RLM)**

The current deadline for the initial meeting of the parties' test development experts (the "Initial Meeting") is July 30, 2010 (Dkt. No. 457). The parties recently informed the Special Master, however, that it will not be possible for all of the parties' experts to attend an in-person meeting prior to that deadline. In the view of the Special Master, it is important that all of the experts who will play a role in the test development be able to participate fully in the Initial Meeting. Accordingly, it is hereby ORDERED:

1. The Initial Meeting is set for Friday, August 20, 2010, the earliest date on which all of the parties' experts will be available to participate in person.

2. No later than Friday, August 13, 2010, each of the parties' experts shall exchange with each other and submit to the Special Master a list of preliminary issues that in his opinion should be discussed at the Initial Meeting.

3. No later than Wednesday, August 18, 2010, the City's expert, Dr. John Weiner of PSI Services, Inc., will send a proposed agenda for the Initial Meeting to all parties and to the Special Master. In preparing the proposed agenda, Dr. Weiner shall give due consideration to the lists of issues submitted by the other parties' experts.

4. Counsel for the parties may attend the Initial Meeting.

5. One representative from each of the Uniformed Firefighters Association and Uniformed Firefighters Officers Association and counsel for both *amici curiae* may attend the Initial Meeting for the purpose of communicating directly with the experts about the test development process, including the points raised in their recent submissions (Dkt. Nos. 465 & 478).

6. No later than Wednesday, September 1, 2010, the City shall submit a test development plan to the Special Master. The final test development plan shall include the consensus of the parties' experts and the Special Master's expert as to the feasible timeline for test development.

/s/ Mary Jo White

Mary Jo White

Dated: July 15, 2010